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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,502	01/27/1999	YOSHIKAZU KOBAYASHI	Q52863	6211

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EXAMINER

TRAN, CON P

ART UNIT	PAPER NUMBER
2644	14

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/238,502

Applicant(s)

KOBAYASHI, YOSHIKAZU

Examiner

Con P. Tran

Art Unit

2644

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: Please see Attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. Attachment:

Response to Arguments

1. Applicant's arguments filed on February 18, 2004 have been fully considered but they are not persuasive.

2. Applicant asserts on pages 3-4:

"The dragging and dropping between import map window . . . Instead, the dragging and dropping operations relies on by the Examiner are merely used to map the position of the fields of records to be imported to existing directory fields. This mapping does not involve the selection of a string of character information."

Examiner respectfully disagrees. In order to drag and drop names (Neil, Pearl, i.e., string of character information) in fields of value window to database window, the user has to select those names first (see Bayless, column 24, lines 12-14).

3. Applicant further asserts on page 4:

"Claim 1 further requires. . . Instead, in Bayless, after the importing of the records according to the created mapping, a user must still take additional action(s) to initiate call dialing . . ."

Examiner respectfully disagrees. Since claim 1 is an open-ended method claim, it does not exclude additional action(s).

4. Applicant asserts on page 5:

Thus, in Coad, . . . The manual entry of the call-back telephone number at the transmitting end and the automatic extraction of the call-back telephone number at a receiving end does not correspond to

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"selecting a string of character information in a window displayed by the operating system" (see also claims 5, 10, 11, 22 and 23).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, the Applicant attempts to overcome the Coad reference by suggesting that Coad does not teach "selecting a string of character information in a window displayed by the operating system". The Examiner, however, did not rely on the Coad reference to teach these features in formulating the rejections under 35 USC 103.

5. Applicant asserts on pages 6-7:

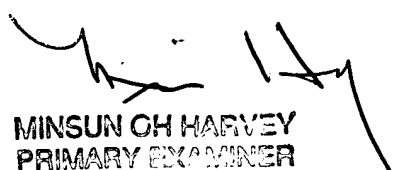
"... Bayless operates without integrating the text parser functionality of Coad, as proposed by the Examiner. ... Therefore it would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention to complicate Bayless to include unnecessary equipment to support the transmission of text message from a sender to a receiver ... Indeed, neither Bayless nor Coad (alone or in combination) suggest such a radical modification of Bayless. ..."

Examiner respectfully disagrees. In response to applicant's argument that: neither Bayless nor Coad (alone or in combination) suggest such a radical modification of Bayless, in which to complicate Bayless to include unnecessary equipment to support

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the transmission of text message from a sender to a receiver, Examiner has provided motivation from Coad itself to incorporate Coad teaching with Bayless.

CPJ


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PRIMARY EXAMINER